

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

AMTRUST INTERNATIONAL)
UNDERWRITERS LIMITED,)
)
 Plaintiff,)
) Case No. 18-09019-CV-W-ODS
vs.)
)
JERALD S. ENSLEIN, in his capacity)
as Chapter 7 Trustee for Xurex, Inc.,)
et al.,)
)
 Defendants.)

ORDER FINDING DEFENDANT JOE JOHNSON IN DEFAULT

Because Defendant Xurex, Inc. is a Chapter 7 debtor, Plaintiff AmTrust International Underwriters Limited (“AmTrust”) initiated an adversary proceeding in Xurex’s bankruptcy case on September 13, 2018. Adv. Proc. 18-4222-drd. The adversary proceeding was referred to the Bankruptcy Court pursuant to the Court’s standing order. Relevant here, a summons was issued to Defendant Joe Johnson on September 14, 2018, and Plaintiff served Johnson on September 17, 2018. Johnson was required to respond to the adversary proceeding within thirty-five days after the summons was issued. Fed. R. Bankr. P. 7012(a).

On September 21, 2018, Plaintiff moved to withdraw the reference pursuant to 28 U.S.C. § 157(d) and Rule 5011 of the Federal Rules of Bankruptcy Procedure. Adv. Proc. 18-4222-drd (Doc. #21). The Clerk of the Court opened the instant case. The Court granted Plaintiff’s motion to withdraw the reference, and Plaintiff filed its Complaint in this matter on October 30, 2018. Doc. #9. On December 6, 2018, Plaintiff moved for entry of default against Johnson. Doc. #24. Johnson did not respond to Plaintiff’s motion.

On December 31, 2018, Plaintiff filed an amended motion seeking entry of default against Johnson. Doc. #30. On January 2, 2019, the Court ordered Johnson to show cause, within twenty-one days, why default should not be entered. Doc. #31. The Court forewarned Johnson that if he failed to comply with the Court’s Order, default

judgment may be entered against him without further notice. Johnson did not respond to the Court's Order, and the time for doing so has passed. Accordingly, the Court grants Plaintiff's motion for default against Johnson, and finds Johnson in default.

The Clerk's Office is directed to send two copies of this Order, one via first class mail, postage prepaid, and one via certified mail, return receipt requested, to the following:

Joe Johnson
1501 North Madison Street
Raymore, Missouri 64083

IT IS SO ORDERED.

DATE: February 4, 2019

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT